

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs, pursuant to D.C. Official Code § 47-2844 (a-1) and Mayor's Order 09-163, dated September 25, 2009; section 105 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.05)(2007 Rpl.) and Mayor's Order 99-68, dated April 28, 1999; and D.C. Official Code § 47-2851.20, hereby gives notice of the adoption of the following emergency rulemaking.

This emergency rulemaking amends Title 16 of the District of Columbia Municipal Regulations (DCMR) to add a new Chapter 16 establishing regulations for the revocation of a basic business license issued to a massage establishment, a health spa, an overnight accommodation, or other establishment, and for the sealing, pursuant to D.C. Official Code § 2-1801.06, of premises used to operate a massage establishment or health spa without a basic business license or to engage in prostitution-related activity.

This emergency rulemaking is necessitated by the immediate need to address the continuing threat to public health, safety, and comfort posed by houses of prostitution purporting to be massage establishments, health spas, overnight accommodations, or other lawful commercial establishments.

This emergency rule was adopted on September 25, 2009, and became effective immediately. This emergency rule will remain in effect for up to one hundred twenty (120) days, unless earlier superseded by a notice of final rulemaking.

The Director also hereby gives notice of the intent to adopt this rule, in final, in not less than thirty (30) days from the publication of this notice in the *D.C. Register*.

A new Chapter 16 is added to DCMR Title 16 to read as follows:

CHAPTER 16 DCRA SUMMARY ENFORCEMENT ACTIONS

Secs.

1600	Revocation of License
1601	Sealing of Premises
1602	Notice and Hearing
1603	Civil Penalties

1600. REVOCATION OF LICENSE

1600.1 The Director of the Department of Consumer and Regulatory Affairs (Director) shall revoke a licensee's basic business license with a Public Health: Public Accommodations license endorsement, a Housing: Transient license endorsement, or a General Business endorsement, if the licensee has knowingly permitted, on

the licensed premises, any act that violates a provision of D.C. Official Code §§ 22-2701, 22-2705 through 22-2707, or 22-2710 through 22-2712.

1600.2 A finding that a licensee has knowingly permitted, on the licensee's premises, an act that violates D.C. Official Code § 22-2701, 22-2705 through 22-2707, or 22-2710 through 22-2712, may be based on, among other things:

- (a) Furnishings on the premises that are better suited for prostitution than for the lawful activity or activities for which the premises are licensed;
- (b) Overnight accommodations at the premises that are commonly used by customers for brief periods not exceeding two (2) hours; or
- (c) A past arrest at the premises for:
 - (1) An act of solicitation for prostitution; or
 - (2) Any other prostitution-related violation.

1601. SEALING OF PREMISES

1601.1 If any premises are primarily used to operate a massage establishment or health spa without a basic business license or engage in activity that violates any provision of D.C. Official Code §§ 22-2701, 22-2705 through 22-2707, or 22-2710 through 22-2712, the Director may order the sealing of the premises, or portion of the premises, for up to sixty (60) days, in accordance with the provisions of D.C. Official Code § 2-1801.06.

1601.2 An order issued by the Director pursuant to § 1601.1 shall be accompanied by findings of fact and conclusions of law.

1601.3 A finding that the premises are primarily used to engage in activity that violates D.C. Official Code §§ 22-2701, 22-2705 through 22-2707, or 22-2710 through 22-2712 may be based, among other things, on a totality of the circumstances at the premises, including, but not limited to, the presence of furnishings or sexually-oriented items that are more suited for prostitution than for lawful commercial use of the premises.

1601.4 During the period of time that the premises, or portion of the premises, are ordered sealed pursuant to § 1601.1, any unauthorized entry at the premises shall be grounds for the Director to extend the order sealing the premises for up to an additional one hundred eighty (180) days.

1601.5 For a period of one hundred eighty (180) days after the lifting of an order sealing the premises, or portions of the premises, any further use of the premises to operate a massage establishment or health spa without a license or engage in

activity that violates any provision of D.C. Official Code §§ 22-2701, 22-2705 through 22-2707, or 22-2710 through 22-2712 shall be grounds for the Director to order the sealing of the premises for a new period of up to one hundred eighty (180) days.

1602. NOTICE AND HEARING

1602.1 Concurrent with an order issued by the Director, pursuant to this chapter, revoking a licensee's license or sealing any premises, the Director shall post at the premises and serve on the licensed or unlicensed establishment, a written notice and order stating:

- (a) The specific action or actions being taken;
- (b) The factual and legal bases for the action or actions;
- (c) The right, within seventy-two (72) hours of service of the notice, to request a hearing with the Office of Administrative Hearings;
- (d) The right, within seventy-two (72) hours of a timely request being received by the Office of Administrative Hearings, to a hearing before an administrative law judge; and
- (e) If the premises are ordered sealed, that it shall be unlawful for any person to enter the sealed premises for any purpose without written permission of the Director.

1602.2 For purposes of this section, notice shall be deemed to have been served:

- (a) On a licensed establishment, if delivered to the registered agent's address of record, during normal business hours; or
- (b) On an unlicensed establishment, if delivered to the property owner of record pursuant to the provisions of D.C. Official Code § 42-3131.03.

1603. CIVIL PENALTIES

1603.1 Civil fines, penalties, and fees may be imposed as additional sanctions for any infraction of this chapter pursuant to D.C. Official Code §§ 2-1801.01 *et seq.*

1603.2 Adjudication of any infraction of this chapter shall be pursuant to D.C. Official Code §§ 2-1801.01 *et seq.*

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory

Affairs, 941 North Capitol Street, NE, Suite 9500, Washington, D.C. 20002, or via e-mail at helder.gil@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at <http://dcra.dc.gov> by going to the “DCRA News” link and then clicking on the “Rulemaking” tab.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in the District of Columbia Documents Act, effective March 6, 1979 (D.C. Law 2-153; D.C. Official Code § 2-611 *et seq.* (2006 Repl.)), hereby gives notice of her adoption of an emergency rulemaking to amend to Chapter 3 of Title 1 of the *District of Columbia Municipal Regulations*. The purpose of the rulemaking is to outline technical changes made to the District of Columbia Municipal Regulations (DCMR) during the process of digitizing and updating the entire DCMR. The updating process included: inserting into the text of the regulations all of the outstanding amendments; updating terminology that had been changed pursuant to Mayor's Orders, regulations, and the D.C. Code; recodifying several titles to ensure a uniform structure of the regulations; and updating numerous D.C. Code and D.C.M.R. citations. The recodification was necessary to provide clarity and a flexible codification structure for future regulations. This effort is the first phase and review to update the D.C.M.R. ODAI will continue to make updates and revisions to reflect changes made to the rules by rulemakings, orders, and code provisions. ODAI will continue to publish technical rulemakings to notify the public of any changes and updates in the future.

The emergency rulemaking was adopted on October 1, 2009 and will remain in effect for 120 days or until a Notice of Final Rulemaking for permanent rules has been published. There is an immediate need to issue these rules to protect the public welfare by amending existing rules to conform them to the new requirements of ODAI's new e-rulemaking system that became effective October 1, 2009.

Additionally, the administrator gives notice of her intent to adopt these emergency and proposed rules as final in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following subsections of 1 DCMR Chapter 3, Rules of the Office of Documents, are amended or repealed as follows:

300 OFFICE OF DOCUMENTS: GENERAL PROVISIONS

300.6 All publications of ODAI will be considered "published" when posted to the website of the Office of the Secretary, <http://os.dc.gov> or www.dcregs.org. ODAI will contemporaneously retain a paper copy of each official electronic publication.

303.6 Repealed

306 SUBMISSION OF DOCUMENTS: PUBLICATION SCHEDULES, DEADLINES AND, SUBMISSION PROCEDURES.

306.1 All documents shall be submitted electronically by designated DC government agency personnel on the e-rulemaking system that can be found at www.dcregs.org.

306.8 Repealed

306.9 Repealed

306.10 Repealed

- 306.20 Requests for emergency publication shall be made in writing to DCdocuments&dc.gov.

307 FORMATTING AND PREPARATION OF DOCUMENTS

- 307.1 ODAI shall accept electronic submissions of documents. A person seeking to submit a document to ODAI shall sign onto the e-rulemaking system at www.dcregs.org and submit the document. Submissions should be in Microsoft Word format. Rulemaking submissions should adhere to the rules in §307.9-307.15 of this chapter.
- 307.9 All documents submitted for publication in the *D.C. Register* shall be submitted on the e-rulemaking system. Anyone wishing to submit documents must obtain a log-on and password from the Office of Documents and Administrative Issuances. The request for a log-on and password shall be submitted in writing to dcdocuments@dc.gov. The request shall include the name of the agency, the name of the person with rulemaking authority for the agency, and the contact information for the agency liaison requesting the information and access to the e-rulemaking system. The Administrator of ODAI will create the log-on and password for the rulemaking authority and deliver the information. The rulemaking authority may create additional profiles for his or her agency staff.
- 307.10 In place of a transmittal form, the agency drafter shall sign on to the e-rulemaking system with the drafter's individual password. Electronic submissions will be taken as a confirmation that the document was submitted by the designated agency drafter. Any submissions not personally executed by the authorized official and submissions by those not legally vested with authority to adopt rules or attest to the adoption of rules by a rulemaking body will not be accepted.
- 307.11 The Office of the Attorney General will electronically submit approval of rulemakings to the Office of Documents and Administrative Issuances through the e-rulemaking system. Signed transmittal forms are no longer required by ODAI for electronic submissions on the e-rulemaking system. However, any paper submissions by offices unable to access the e-rulemaking system must be submitted with a transmittal form that contains the signature of the Office of the Attorney General or Agency Counsel, designated Assistant Attorney General, or approved agency counsel certifying that the substance of the text of the rule(s) has been reviewed and is, in the opinion of legal counsel, legally sufficient.
- 307.13 Certification of the form and contents of notices of proposed, final, and emergency rulemaking shall be made by the Office of Documents and Administrative Issuances, pursuant to the provisions of §§309 through 311 of this chapter.
- 307.14 The Administrator will not certify and publish rulemaking notices in the *D.C. Register* unless it is clear that the promulgator of the rule or proposed rule named on the electronic submission has legal authority to issue the rules.
- 307.15 Repealed

313 D.C. MUNICIPAL REGULATIONS: STRUCTURE AND FORMAT

- 313.1 The major divisions of the *D.C. Municipal Regulations* (DCMR) are titles, each of which brings together broadly related rules and regulations by subject matter categories.

313.2 Titles of the *D.C. Municipal Regulations* are designated by the Office of Documents and Administrative Issuances. Assignment of rules and regulations to the various titles of the *D.C. Municipal Regulations* by the Office of Documents and Administrative Issuances will be based on the structure set forth in §313.3.

313.3 The structure of the *D.C. Municipal Regulations* is the following:

1 MAYOR AND EXECUTIVE AGENCIES

3 ELECTIONS AND ETHICS

4 HUMAN RIGHTS

5 BOARD OF EDUCATION

SUBTITLE A: Office of the State Superintendent of Education (OSSE) (formerly parts of Title 5)

SUBTITLE B: District of Columbia Public Schools (DCPS) (formerly parts of Title 5)

SUBTITLE C: Charter Schools

SUBTITLE D: School Maintenance

SUBTITLE E: Former Title 5

6 D.C. PERSONNEL REGULATIONS

SUBTITLE A: Police Personnel (formerly Title 6A)

SUBTITLE B: Personnel (formerly parts of Title 6)

7 EMPLOYMENT BENEFITS

**8 UNIVERSITY OF THE DISTRICT OF COLUMBIA & DISTRICT OF COLUMBIA
LAW SCHOOL**

SUBTITLE A: District of Columbia Law School (formerly Title 8A)

SUBTITLE B: University of the District of Columbia (formerly Title 8)

9 TAXATION AND ASSESSMENTS

10 PLANNING AND DEVELOPMENT

SUBTITLE A: Comprehensive Plan (formerly Part 1 of Title 10)

SUBTITLE B: Planning and Development (formerly Part 2 of Title 10)

SUBTITLE C: Historic Preservation (formerly 10A)

11 ZONING

12 CONSTRUCTION CODES

13 TECHNOLOGY (new title)

14 HOUSING

15 PUBLIC UTILITIES & CABLE TELEVISION

16 CONSUMERS, COMMERCIAL PRACTICES & CIVIL INFRACTIONS

17 BUSINESS, OCCUPATIONS & PROFESSIONALS

18 VEHICLES & TRAFFIC

19 AMUSEMENTS, PARKS & RECREATION**20 ENVIRONMENT****21 WATER & SANITATION****22 PUBLIC HEALTH & MEDICINE**

SUBTITLE A: Mental Health (formerly Title 22A)

SUBTITLE B: Health (formerly Title 22)

23 ALCOHOLIC BEVERAGES**24 PUBLIC SPACE AND SAFETY****25 FOOD AND FOOD OPERATIONS AND COMMUNITY HYGIENE FACILITIES**

SUBTITLE A: Retail Food Code Regulations (formerly 25 DCMR)

SUBTITLE B: Food Processing Operations Code (formerly 25A DCMR)

SUBTITLE C: Swimming Pool and Spa Regulations (formerly Title 22 DCMR, Chapter 64)

SUBTITLE D: Massage Establishment and Health Spa Facility

SUBTITLE E: Barbering, Cosmetology, and Personal Grooming Facility Regulations

SUBTITLE F: Tanning Facility Regulations

SUBTITLE G: Tattoo, Body Art, and Body-Piercing Facility Regulations

SUBTITLE H: Bedding and Upholstered Furniture (formerly Title 22, chap.1, sec.115, 117)

SUBTITLE I: Health Nuisances, Rodent and Vector Control Regulations (formerly Title 22 DCMR, chapter 1, sections 100, 107)

SUBTITLE J: Animal Welfare and Facility Regulations (formerly Title 22, chap.1, sec. 103, 104, chap.7)

26 INSURANCE

SUBTITLE A: Insurance (formerly Title 26)

SUBTITLE B: Securities (formerly chapters 18,19, and 81 of Title 17)

SUBTITLE C: Banking (formerly Title 26A)

27 CONTRACTS AND PROCUREMENT**28 CORRECTIONS, COURTS & CRIMINAL JUSTICE****29 PUBLIC WELFARE****30 LOTTERY AND CHARITABLE GAMES****31 TAXICABS & PUBLIC VEHICLES FOR HIRE**

Written comments on this proposed regulation should be submitted, in writing, to Mrs. Andrea Garvey, Director, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001, via email to DCDocuments@dc.gov; or on the website at www.dcregs.org within thirty (30) days of the publication of this notice in the *D.C. Register*. Additional copies of this proposed regulation are available at the above address.

THE OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The State Superintendent of Education, pursuant to authority set forth in Mayor's Order 2009-3 January 15, 2009, and Sections 5a and 6 of the Day Care Policy Amendment Act of 1998, effective April 13, 1999 (D.C. Law 12-216; D.C. Official Code §§ 4-404.01 and 4-405); hereby gives notice of the adoption of an emergency rules on September 28, 2009 to be added to Title 29, Chapter 3, Section 380 of the District of Columbia Municipal Regulations (DCMR) entitled "Schedule of Parent Fees for the District of Columbia Government Subsidized Child Care Services in Child Development Facilities, Child Development Homes, and by Relatives and In-Home Caregivers," effective as of October 1, 2009. This schedule is also published on the OSSE website at www.osse.dc.gov. The Superintendent also hereby gives notice of intent to take final rulemaking action to adopt these rules not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. This emergency rule expires one hundred twenty (120) days after the effective date of this notice or upon adoption of a final regulation, whichever is first.

The purpose of this emergency and proposed regulation is to update the District of Columbia's child care subsidy program sliding fee schedule for parent co-payments. The sliding fee schedule is based on the "2009 Federal Poverty Guidelines for the 48 Contiguous States and the District of Columbia." There is an immediate need to preserve the public welfare by updating these fees and increasing the rate of payment to eligible recipients

In 2008, child care operating functions of the Early Care Education Administration were transferred from the Department of Human Services to the Office of the State Superintendent of Education (OSSE). In this regard, OSSE now serves as the lead agency for the District of Columbia Child Care and Development Fund providing District of Columbia families with a broad range of child care options. The OSSE is in the process of reviewing all regulations that now fall within its Early Child Education (ECE) program, including regulations for child care development facilities operating standards found in other subsections of chapter 3 of Title 29 of the DCMR.

Title 29 DCMR, Chapter 3, entitled "Child Care Development Facilities" is revised to include a new subsection 380 as follows:

**380 SCHEDULE OF PARENT FEES FOR THE DISTRICT OF COLUMBIA
GOVERNMENT SUBSIDIZED CHILD CARE SERVICES IN CHILD
DEVELOPMENT FACILITIES, CHILD DEVELOPMENT HOMES, AND
BY RELATIVES AND IN-HOME CAREGIVERS**

380.1 Parents with a residence in the District of Columbia may be eligible to receive part time and full time child care services funded by payments from the District of Columbia. Eligible parents shall provide a co-payment consistent with the provisions of this chapter.

- 380.2 The sliding fee scale for parent co-payments is based upon the Federal Poverty Guidelines (FPG) taking in to consideration the family size and income.
- 380.3 Parent(s) with an income equal to or less than fifty percent (50%) of the FPG shall not pay any co-payment.
- 380.4 Parent(s) with an income equal to or below two hundred fifty percent (250%) of the FPG or eight five percent of the state median income, whichever is lower, are eligible for participation in the District of Columbia child care subsidy program.
- 380.5 Parents already receiving subsidized child day care services with an income at an amount equal to or below three hundred (300%) of the FPG or eighty five percent of the state median income, whichever is lower, may be eligible for continuation of child care co-payments under the following circumstances:
- a) Continuing employment during the child care hours;
 - b) Continuing residency in the District of Columbia;
 - c) Submission of all the required documentation for redetermination;
 - d) Maintenance of routine attendance; and
 - e) Qualifying family size.
- 380.6 Parents with children with medical disabilities or special health care needs may deduct from their income all medical expenses for that same year, related to a child with disabilities or special health care needs in determining eligibility for subsidized child day care services in this chapter, provided that the medical expenses are:
- a) Performed by a licensed health care practitioner; and
 - b) Substantiated with payment statements; payment receipts, and/or insurance statements identifying the health care service.
- 380.7 The parent co-payment requirements in this chapter shall apply solely to the first two children in the family.
- 380.8 The copayment for the second child shall be seventy-five percent (75%) of the amount of the co-payment for the first child.
- 380.9 Parents are responsible for paying co-payments directly to a child development facility.
- 380.10 The co-payment fee schedule for purposes of this chapter shall be published annually.

380.11

The following schedule of co-payments shall apply to services provided by a child development facility, or duly authorized relative or in-home caregiver providing child care services subsidized by the District of Columbia.

SLIDING FEE SCALE 2009						DAILY CO-PAY			
						CHILDREN IN CARE			
%FPG	ANNUAL INCOME BY FAMILY SIZE					FULL TIME		PART TIME	
	1	2	3	4	5	First	Second	First	Second
0-50%	\$5,415	\$7,285	\$9,155	\$11,025	\$12,895	\$0	\$0	\$0	\$0
51-60%	\$6,498	\$8,742	\$10,986	\$13,230	\$15,474	\$0.57	\$0.43	\$0.29	\$0.22
61-70%	\$7,581	\$10,199	\$12,817	\$15,435	\$18,053	\$0.75	\$0.57	\$0.38	\$0.29
71-80%	\$8,664	\$11,656	\$14,648	\$17,640	\$20,632	\$1.01	\$0.75	\$0.51	\$0.38
81-90%	\$9,747	\$13,113	\$16,479	\$19,845	\$23,211	\$1.27	\$0.95	\$0.64	\$0.48
91-100%	\$10,830	\$14,570	\$18,310	\$22,050	\$25,790	\$1.62	\$1.22	\$0.81	\$0.61
101-110%	\$11,913	\$16,027	\$20,141	\$24,255	\$28,369	\$2.02	\$1.51	\$1.01	\$0.76
111-120%	\$12,996	\$17,484	\$21,972	\$26,460	\$30,948	\$2.45	\$1.84	\$1.23	\$0.92
121-130%	\$14,079	\$18,941	\$23,803	\$28,665	\$33,527	\$2.93	\$2.20	\$1.47	\$1.10
131-140%	\$15,162	\$20,398	\$25,634	\$30,870	\$36,106	\$3.46	\$2.60	\$1.73	\$1.30
141-150%	\$16,245	\$21,855	\$27,465	\$33,075	\$38,685	\$4.07	\$3.05	\$2.04	\$1.53
151-160%	\$17,328	\$23,312	\$29,296	\$35,280	\$41,264	\$4.73	\$3.55	\$2.37	\$1.78
161-170%	\$18,411	\$24,769	\$31,127	\$37,485	\$43,843	\$5.43	\$4.08	\$2.72	\$2.04
171-180%	\$19,494	\$26,226	\$32,958	\$39,690	\$46,422	\$6.19	\$4.65	\$3.10	\$2.33
181-190%	\$20,577	\$27,683	\$34,789	\$41,895	\$49,001	\$7.00	\$5.25	\$3.50	\$2.63
191-200%	\$21,660	\$29,140	\$36,620	\$44,100	\$51,580	\$7.91	\$5.93	\$3.96	\$2.97
201-210%	\$22,743	\$30,597	\$38,451	\$46,305	\$54,159	\$8.88	\$6.66	\$4.44	\$3.33
211-220%	\$23,826	\$32,054	\$40,282	\$48,510	\$56,738	\$9.90	\$7.43	\$4.95	\$3.72
221-230%	\$24,909	\$33,511	\$42,113	\$50,715	\$59,317	\$10.91	\$8.19	\$5.46	\$4.10
231-240%	\$25,992	\$34,968	\$43,944	\$52,920	\$61,896	\$11.97	\$8.98	\$5.99	\$4.49
241-250%	\$27,075	\$36,425	\$45,775	\$55,125	\$64,475	\$13.08	\$9.81	\$6.54	\$4.91
251-260%	\$28,158	\$37,882	\$47,606	\$57,330	\$67,054	\$14.24	\$10.68	\$7.12	\$5.34
261-270%	\$29,241	\$39,339	\$49,437	\$59,535	\$69,633	\$15.44	\$11.58	\$7.72	\$5.79
271-280%	\$30,324	\$40,796	\$51,101	\$60,835	\$70,569	\$16.78	\$12.58	\$8.39	\$6.29
281-290%	\$31,407	\$41,368				\$18.08	\$13.56	\$9.04	\$6.78
291-300%	\$31,634					\$19.44	\$14.58	\$9.72	\$7.29

SLIDING FEE SCALE 2009						DAILY CO-PAY			
%FPG	ANNUAL INCOME BY FAMILY SIZE					CHILDREN IN CARE			
						FULL TIME		PART TIME	
	6	7	8	9	10	First	Second	First	Second
0-50%	\$14,765	\$16,635	\$18,505	\$20,375	\$22,245	\$0	\$0	\$0	\$0
51-60%	\$17,718	\$19,962	\$22,206	\$24,450	\$26,694	\$0.57	\$0.43	\$0.29	\$0.22
61-70%	\$20,671	\$23,289	\$25,907	\$28,525	\$31,143	\$0.75	\$0.57	\$0.38	\$0.29
71-80%	\$23,624	\$26,616	\$29,608	\$32,600	\$35,592	\$1.01	\$0.75	\$0.51	\$0.38
81-90%	\$26,577	\$29,943	\$33,309	\$36,675	\$40,041	\$1.27	\$0.95	\$0.64	\$0.48
91-100%	\$29,530	\$33,270	\$37,010	\$40,750	\$44,490	\$1.62	\$1.22	\$0.81	\$0.61
101-110%	\$32,483	\$36,597	\$40,711	\$44,825	\$48,939	\$2.02	\$1.51	\$1.01	\$0.76
111-120%	\$35,436	\$39,924	\$44,412	\$48,900	\$53,388	\$2.45	\$1.84	\$1.23	\$0.92
121-130%	\$38,389	\$43,251	\$48,113	\$52,975	\$57,837	\$2.93	\$2.20	\$1.47	\$1.10
131-140%	\$41,342	\$46,578	\$51,814	\$57,050	\$62,286	\$3.46	\$2.60	\$1.73	\$1.30
141-150%	\$44,295	\$49,905	\$55,515	\$61,125	\$66,735	\$4.07	\$3.05	\$2.04	\$1.53
151-160%	\$47,248	\$53,232	\$59,216	\$65,200	\$71,184	\$4.73	\$3.55	\$2.37	\$1.78
161-170%	\$50,201	\$56,559	\$62,917	\$69,275	\$75,633	\$5.43	\$4.08	\$2.72	\$2.04
171-180%	\$53,154	\$59,886	\$66,618	\$73,350	\$80,082	\$6.19	\$4.65	\$3.10	\$2.33
181-190%	\$56,107	\$63,213	\$70,319	\$77,425	\$84,531	\$7.00	\$5.25	\$3.50	\$2.63
191-200%	\$59,060	\$66,540	\$74,020	\$81,500	\$87,602	\$7.91	\$5.93	\$3.96	\$2.97
201-210%	\$62,013	\$69,867	\$77,721	\$85,575		\$8.88	\$6.66	\$4.44	\$3.33
211-220%	\$64,966	\$73,194	\$81,422	\$85,777		\$9.90	\$7.43	\$4.95	\$3.72
221-230%	\$67,919	\$76,521	\$83,952			\$10.91	\$8.19	\$5.46	\$4.10
231-240%	\$70,872	\$79,848				\$11.97	\$8.98	\$5.99	\$4.49
241-250%	\$73,825	\$82,127				\$13.08	\$9.81	\$6.54	\$4.91
251-260%	\$76,778					\$14.24	\$10.68	\$7.12	\$5.34
261-270%	\$79,731					\$15.44	\$11.58	\$7.72	\$5.79
271-280%	\$80,302					\$16.78	\$12.58	\$8.39	\$6.29
281-290%						\$18.08	\$13.56	\$9.04	\$6.78
291-300%						\$19.44	\$14.58	\$9.72	\$7.29

380.12 The sliding fee schedule may be revised periodically based on the annual FPG and shall be posted for a 30 day comment period prior to the effective date of revisions to the schedule.

380.13 For purposes of section 380 of this chapter the following terms shall have the meaning ascribed herein:

Child - means an individual from birth through the age of 12 years (or up to the child's 19th birthday if the child has special needs) and is a resident of the District of Columbia.

Family - means a unit consisting of one or more adults and children related by blood, marriage, adoption or legal guardianship who reside in the same household and are eligible for child care.

Income - means the combined total adjusted gross income of the parent(s) with primary responsibility for the child, declared in the joint and/or individual annual federal income tax filing for the most recent calendar year; or in the event such filing is not required with the federal government, other appropriate documentation to establish a parent(s) total annual income. Examples of income sources include, but are not limited to revenues from: wages, salaries, tips, partnership income, interest, dividends, capital gains, fringe benefits, IRA distributions, pensions, annuities, royalties, trusts, rental income, S corporations, farm income, alimony, child support, Social Security Income, unemployment compensation, and disability compensation.

Residence - means the location in the District of Columbia where the parent(s) with primary responsibility for the child resides and claims as the permanent place of residence for purposes of one or more of the following: federal and state taxes; receiving public financial support; voter registration; driver registration; valid residential lease; or other criteria that reveals an intent to establish the District of Columbia as the person's domicile.

State - means District of Columbia for purposes of this chapter.

Persons wishing to comment on this rule should submit their comments in writing to Kerri L. Briggs, PhD., State Superintendent of Education, 441 4th Street, NW, Room 350N, Washington, D.C. 20001, Attention; Jessica Morffi re: Title 29, chapter 3. subsection 380; or to osse.publiccomment@dc.gov. All comments must be received no later than 30 days after publication of this notice in the *D.C. Register*. Copies of this rulemaking may also be obtained from the OSSE website at www.osse.dc.gov or upon request at the above referenced location.